

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

KENYA SIMPSON,

Petitioner

v.

//

CIVIL ACTION NO. 1:04CV3  
CRIMINAL NO. 1:02CR36  
(Judge Keeley)

UNITED STATES OF AMERICA,

Respondent.

**ORDER DENYING AS MOOT PETITIONER'S REQUEST FOR  
CERTIFICATE OF APPEALABILITY**

On March 7, 2007, the petitioner filed a motion for certificate of appealability (COA) in this Court. Thereafter, on March 20, 2007, the Court certified and transmitted the record on appeal in this case to the Fourth Circuit Court of Appeals. On August 15, 2007, the Fourth Circuit denied the petitioner's motion for a COA and dismissed his appeal. Accordingly, the Court **DENIES AS MOOT** the petitioner's motion for a COA filed in this Court. (1:02CR36 - Doc. No. 413 and 1:04CV3 - Doc. No. 11).

The Clerk is directed to mail a copy of this Order to the pro se petitioner via certified mail, return receipt requested and to transmit a copy of this Order to counsel of record.

Dated: September 4, 2007.

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE

